

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, ERS, and HTA.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO, THE EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO, AND THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY TO THE RESPONSES FILED BY NELSON I. MAYSONET MARTINEZ
[ECF NO. 22651], ASUNCIÓN COLÓN RAMOS [ECF NO. 22652], MYRTELINA
TORRES BERRÍOS [ECF NO. 22653], JUAN L. DÁVILA PÉREZ [ECF NO. 22654],
ARNOLD RODRIGUEZ SANCHEZ [ECF NO. 22655], GERARDO J. RAMOS
VELÁZQUEZ [ECF NO. 22656], AND RAUL SANTINI-RIVERA [ECF NO. 22657] TO
THE FIVE HUNDRED FOURTEENTH OMNIBUS OBJECTION (SUBSTANTIVE) TO
CLAIMS FOR WHICH THE DEBTORS ARE NOT LIABLE**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Highways and Transportation Authority (“HTA,” and together with the Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² file this reply (the “Reply”) in support of the *Five Hundred Fourteenth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Highways and Transportation Authority to Claims for Which The Debtors Are Not Liable* [ECF No. 22251] (the “Five Hundred Fourteenth Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On September 16, 2022, the Debtors filed the Five Hundred Fourteenth Omnibus Objection, which sought to disallow certain claims for which the Debtors are not liable, each as set forth on Exhibit A thereto.

2. Any party who disputed the Five Hundred Fourteenth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on October 17, 2022 in accordance with the Court-approved notice attached to the Five Hundred Fourteenth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Five Hundred Fourteenth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1]). *See Certificate of Service* [ECF No. 22563].

3. Seven responses were interposed:

- *Response to Omnibus Objection*, ECF No. 22651 (the “Maysonet Martinez Response”), filed by Nelson I. Maysonet Martinez (“Maysonet Martinez”), regarding Proof of Claim No. 18312 (the “Maysonet Martinez Claim”);

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

- *Response to Omnibus Objection*, ECF No. 22652 (the “Colón Ramos Response”), filed by Asuncion Colon Ramos (“Colon Ramos”), regarding Proof of Claim No. 26149 (the “Colon Ramos Claim”);
- *Response to Omnibus Objection*, ECF No. 22653 (the “Torres Berrios Response”), filed by Myrtelina Torres Berrios (“Torres Berrios”), regarding Proof of Claim No. 28933 (the “Torres Berrios Claim”);
- *Response to Omnibus Objection*, ECF No. 22654 (the “Davila Perez Response”), filed by Juan L. Davila Perez (“Davila Perez”), regarding Proof of Claim No. 18345 (the “Davila Perez Claim”);
- *Response to Omnibus Objection*, ECF No. 22655 (the “Rodriguez Sanchez Response”), filed by Arnold Rodriguez Sanchez (“Rodriguez Sanchez”), regarding Proof of Claim No. 26848 (the “Rodriguez Sanchez Claim”);
- *Response to Omnibus Objection*, ECF No. 22656 (the “Ramos Velazquez Response”), filed by Gerardo J. Ramos Velazquez (“Ramos Velazquez”), regarding Proof of Claim No. 29276 (the “Ramos Velazquez Claim”); and
- *Response to Omnibus Objection*, ECF No. 22657 (the “Santini Rivera Response,” and together with the Maysonet Martinez Response, the Colon Ramos Response, the Torres Berrios Response, the Davila Perez Response, the Rodriguez Sanchez Response, and the Ramos Velazquez Response, the “Responses”), filed by Raul Santini Rivera (“Santini Rivera,” and together with Maysonet Martinez, Colon Ramos, Torres Berrios, Davila Perez, Rodriguez Sanchez, and Ramos Velazquez, the “Claimants”), regarding Proof of Claim No. 24826 (the “Santini Rivera Claim,” and together with the Maysonet Martinez Claim, the Colon Ramos Claim, the Torres Berrios Claim, the Davila Perez Claim, the Rodriguez Sanchez Claim, and the Ramos Velazquez Claim, the “Claims”).

4. In May 2018, each of the Claimants filed the Claims against the Commonwealth. The Claims assert liabilities in varying amounts, purportedly arising from Case No. 2014-07-0008, which was filed before the Appeals Commission of the Public Service Human Resources Administration System.

5. The Five Hundred Fourteenth Omnibus Objection sought to disallow the Claims because they seek recovery for amounts for which the Commonwealth is not liable. Each of the Claimants purports to assert liability on the basis of Case No. 2014-07-0008, and all of the Claims attach an appeal from Case No. 2014-07-0008 (the “Appeal”). However, none of the Claimants

are named plaintiffs in Case No. 2014-07-0008. Attached to the Appeal as Annex 1 is a list of individuals involved in the Appeal (the “List”). None of the Claimants are included on the List.

6. On October 17, 2022, Claimants filed the Responses. Each of the Responses—with the exception of ECF No. 22656, which attaches no documentation—attaches a copy of Act 184, of August 03, 2004, as amended, known as the Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico. They do not, however, contend that Claimants are in fact plaintiffs in Case No. 2014-07-0008, and they provide no further information that would substantiate a valid basis for asserting liability against the Commonwealth.

7. For the foregoing reasons, the Debtors respectfully request that the Court grant the Five Hundred Fourteenth Omnibus Objection and disallow the Claims, notwithstanding the Responses.

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Dated: April 11, 2023
San Juan, Puerto Rico

Respectfully submitted,

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